

**MEETING SUMMARY**

**of the**

**INTERNATIONAL SUBCOMMITTEE**

**of the**

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL**

**December 13, 2000**  
**Arlington, Virginia**

**Meeting Summary Accepted By:**



**Wendy Graham**  
**Office of International Activities**  
**U.S. Environmental Protection Agency**  
**Designated Federal Official**

**Alberto Saldamondo**  
**Vice-Chair**

**CHAPTER SEVEN  
MEETING OF THE  
INTERNATIONAL SUBCOMMITTEE**

**1.0 INTRODUCTION**

The International Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Wednesday, December 13, 2000, during a four-day meeting of the NEJAC in Arlington, Virginia. Because Mr. Arnoldo Garcia, National Network for Immigrant and Refugee Rights, who continues to serve as chair of the subcommittee, was unable to attend the meeting, Mr. Alberto Saldamondo, General Counsel, International Indian Treaty Council and vice-chair of the subcommittee, served as acting chair. Ms. Wendy Graham, Office of International Activities (OIA), U.S. Environmental Protection Agency (EPA), continues to serve as the Designated Federal Official (DFO) for the subcommittee. Exhibit 7-1 presents a list of the members who attended the meeting and identifies those members who were unable to attend.

This chapter, which provides a summary of the deliberations of the International Subcommittee, is organized in six sections, including this *Introduction*. Section 2.0, *Remarks*, summarizes the opening remarks of the vice-chair and the DFO. Section 3.0, *Dialogue on Trade and the Environment*, summarizes the subcommittee members' discussions about issues related to trade and the environment and includes summaries of presentations by representatives of the United States Trade Representative (USTR) and the U.S. Department of State (State Department). Section 4.0, *Presentations and Reports* presents an overview of each presentation and report, as well as a summary of relevant questions and comments from the subcommittee. Section 5.0, *Public Dialogue*, summarizes the discussions of the subcommittee related to public comments referred to the subcommittee by the Executive Council of the NEJAC. Section 6.0, *Action Items*, summarizes the action items considered and adopted by the subcommittee.

**2.0 REMARKS**

Mr. Saldamondo opened the subcommittee meeting by welcoming the members present, Ms. Graham, and Mr. Haywood Turrentine, Birmingham (Alabama) Urban Impact Board and chair of the NEJAC, whom Mr. Saldamondo said he had asked to monitor the morning presentation

**Exhibit 7-1**

**NAME OF THE SUBCOMMITTEE**

**Members Who Attended the Meeting  
December 13, 2000**

Mr. Alberto Saldamondo, **Vice-Chair**  
Ms. Wendy Graham, **DFO**

Mr. Jose Bravo \*  
Ms. Beth Hailstock  
Mr. Tseming Yang

**Members  
Who Were Unable To Attend**

Mr. Albert Adams  
Mr. Fernando Cuevas  
Mr. Arnoldo Garcia, **Chair**  
Mr. Robert Holmes  
Ms. Caroline Hotaling  
Ms. Maria del Carmen Libran

*\* Mr. Bravo served as proxy for Mr. Garcia*

on trade and the environment. Mr. Saldamondo explained that Mr. Turrentine's presence indicated the interest the NEJAC had taken in issues related to trade policy.

Mr. Saldamondo also expressed disappointment that many members of the subcommittee had been unable to attend the meeting. For that reason, he noted, the meeting would focus on the presentations to be offered and on concerns related to the topics of those presentations, rather than the activities and direction of the International Subcommittee.

Ms. Graham commented that Mr. Garcia had expressed regret that he had been unable to attend the meeting, which would have been his last as chair. Mr. Garcia served on the NEJAC for four years and as the chair of the International Subcommittee for the past two years, she said. Ms. Graham added that Mr. Saldamondo was to become the next chair.

### 3.0 DIALOGUE ON TRADE AND THE ENVIRONMENT

Mr. Tseming Yang, Vermont Law School and member of the International Subcommittee, introduced the discussion of issues related to trade and the environment by welcoming the representatives of USTR and the State Department. In August 1999, he then reported, the NEJAC and EPA jointly sponsored the Roundtable on Environmental Justice on the U.S.-Mexico Border, held in National City, California. At that meeting, environmental and public health problems affecting communities were discussed, said Mr. Yang. Participants involved in those discussions acknowledged the causal relationships between increased development, traffic, and industrialization in the border region and environmental and public health effects, he explained. Since the roundtable meeting, EPA had begun to address such issues in a serious manner, said Mr. Yang, adding that many issues (such as the development of infrastructure, rising population growth in the border region, failure to enforce existing laws, the effects of industrialization, and exploitation of resources), however, have been determined to be outside the scope of EPA. Mr. Yang then declared his hope that the discussion to be conducted during the current meeting would prove mutually educational for both the members of the USTR and the State Department and the members of the International Subcommittee.

Mr. Turrentine added that, as moderator, his role should be one that would facilitate the process, rather than one in which he would take an active part in the discussion. He then provided the representatives of USTR and the State Department with background information about the framework and function of the NEJAC in general and the International Subcommittee in particular. Mr. Turrentine added that he would work with the members of the International Subcommittee to build an understanding of both the opportunities for collaboration between the Executive Council of the NEJAC and the USTR and State Department and the limitations on such collaboration.

Dr. Alan Hecht, Principal Deputy Assistant Administrator, OIA, identified what he considered four important areas to be addressed in discussions of trade policy and the environment:

- The participation of all Federal agencies in environmental justice issues
- A better understanding on the part of all parties involved that the public can and should provide input through a clearly defined process

- The overall process by which trade policy is set
- Examination of issues in the border region and review of the lessons learned through the implementation of the North American Free Trade Agreement (NAFTA).

#### 3.1 Overview of the Functions of the United States Trade Representative

Ms. Carmen Suro-Bredie, Office of the USTR, began her presentation with a description of the history of trade policymaking, citing the Boston Tea Party and relating that event to the protests against the World Trade Organization (WTO) that had occurred earlier in the year in Seattle, Washington. The results of the Boston Tea Party protests, she explained, were “massive” trade sanctions against England and the birth of the concept of “no taxation without representation.”

Today, trade policy is under the control of Congress, she continued, explaining that the power to create a trade tariff in the form of a tax on imported goods falls to Congress. Under the Fast-Track trade act, legislation that had expanded the President’s power to negotiate trade deals with other nations, that authority is lent temporarily to the Executive branch and only for a specific purpose, she said. Ms. Suro-Bredie stated that, during negotiations of trade agreements, the Executive Branch often wants the authority to negotiate with other countries terms beyond simple increases or decreases in tariff levels. Simply stated, she continued, under fast-tracking, which Congress failed to renew in 1997, the Executive Branch effectively is able to change law, because the President is able to present to Congress legislation approving and implementation trade agreements on which Congress votes without amendment and within a fixed period of time. Those conditions are important because the other country or countries involved in the negotiation would be skeptical about changes in the agreement made by Congress, she said. She added that countries wish to have timely resolution of the negotiation process.

The system works, she continued, although difficulties arise when the system is forced to move quickly. To try to alleviate the “push and pull,” she continued, USTR is attempting to give more advance notice to the various trade subcommittees of Congress of the issues and to allow more time for negotiators to step back and think through the effects of various stipulations on domestic programs, industry, and policies. Exhibit 7-2

### OVERVIEW OF THE UNITED STATES TRADE REPRESENTATIVE

In 1974, the United States Congress established the private-sector advisory committee system to ensure that U.S. trade policy and the objectives of trade negotiations adequately reflect the commercial and economic interests of the United States. In three subsequent trade acts, Congress expanded and enhanced the role of the system. The advisory committees provide and advice about U.S. negotiating objectives and bargaining positions before the nations enter into any trade agreements, about the operation of any trade agreements once entered into, and about other matters relating to the development, implementation, and administration of U.S. trade policy. The system is arranged in three tiers:

The system is structured in three tiers:

- The President's Advisory Committee for Trade Policy and Negotiations (ACTPN), which is mandated by law, considers issues related to trade policy in the context of the overall national interest. In the past, the membership of the committee consisted primarily of representatives of business and labor; currently, the one third of the members represent environmental, academic, or consumer concerns. The President appoints 45 members for two-year terms. The 1974 Trade Act requires that the membership of the ACTPN broadly represent key economic sectors affected by trade.
- Representatives to six policy advisory committees are appointed solely by the United States Trade Representative (USTR) or in conjunction with other Cabinet officers. Those committees that are managed solely by the USTR are the Intergovernmental Policy Advisory Committee and the Trade Advisory Committee on Africa. Policy advisory committees managed jointly with the U.S. departments of Agriculture, Labor, and Defense and EPA are, respectively, the Agricultural Policy Advisory Committee, the Labor Advisory Committee, the Defense Policy Advisory Committee, and the Trade and Environment Policy Advisory Committee. Each committee provides advice based on the perspective of its specific area.
- Twenty-six advisory committees, which are authorized by law, are organized in two areas: industry and agriculture. Representatives are appointed jointly by the USTR and the secretaries of Commerce and Agriculture. Each sectoral or technical advisory committee represents a specific sector or commodity group (such as textiles or dairy products) and provides specific technical advice about the effect that trade policy decisions may have on that sector. Four functional advisory committees provide cross-sectoral advice on customs, standards, issues related to intellectual property, and electronic commerce. Previously, committees in this tier had included representatives of business and industry; no environmental or labor interest groups were represented. Currently, representatives of environmental organizations are assigned to each of the committees. Such groups include the Sierra Club, Friends of the Earth, and other groups that have exclusive environmental focuses that may not include environmental justice.

provides an overview of the trade policy advisory system the Congress established in 1974.

Ms. Suro-Bredie then introduced Mr. Dominic Bianchi, Office of Intergovernmental Affairs and Public Liaison, USTR, who presented information about the role of his office. He expressed his hope that the role of the liaison office would be defined more precisely during the upcoming Administration than it had been previously. The USTR, he continued, had been created by Congress, but its negotiating capabilities had been "lent" to the Executive Branch. Although the power of the Executive Branch is limited – it does not have the power to regulate commerce – Congress provides authority to the Executive Branch within specified parameters, he explained. Exhibit 7-3 presents additional information about Executive Order

13141, which addresses the environmental review of trade agreements.

Citing recent lawsuits and the protests against the WTO that occurred in Seattle in May 2000, Mr. Bianchi stated his personal belief that the system of private-sector advisory committees does not function as it should and that the USTR and the new administration should engage Congress on how to include stakeholders more effectively when making trade policy. He also added that the USTR and the new administration would need the help of Congress to effectively address the public's concerns about how the USTR receives advice from all affected stakeholders. However, Mr. Bianchi stated, Congress had been "shying away" from re-examining process.

### **GUIDELINES FOR IMPLEMENTATION OF EXECUTIVE ORDER 13141: ENVIRONMENTAL REVIEW OF TRADE AGREEMENTS**

On December 13, 2000, the United States Trade Representative (USTR) and the White House Council on Environmental Quality (CEQ) released final guidelines for implementing the provisions of Executive Order 13141: Environmental Review of Trade Agreements. The Executive order, signed by President Clinton in November 1999, commits the United States to careful assessment and consideration of the environmental effects of future trade agreements, including written reviews of certain major trade agreements.

Executive Order 13141 institutionalizes the use of the environmental review as an important policy tool for helping to identify the potential environmental effects of trade agreements, both positive and negative, and for helping to facilitate consideration of appropriate responses when such effects are identified. The order requires review of certain major trade agreements: comprehensive multilateral trade rounds, multilateral or bilateral free-trade agreements, and major new agreements affecting natural resource sectors. Environmental reviews also may be warranted for other agreements on the basis of such factors as the significance of reasonably foreseeable environmental effects, although the USTR anticipates that most sectoral liberalization agreements will not require review.

In developing the environmental guidelines, the USTR and the CEQ sought to involve all interested stakeholders. Draft guidelines implementing the Executive order were published in July. The views of the public, identified through a series of public workshops, a public hearing, and public comment periods, played a significant role in shaping the final product. The USTR and the CEQ also consulted closely with key members of Congress and the various trade advisory committees, including the Trade and Environment Policy Advisory Committee. Other federal environmental, economic, and foreign affairs agencies also collaborated with the USTRs and the CEQ in developing the guidelines.

The final guidelines provide for the integration of environmental considerations into the development of trade policy objectives. They provide significant opportunities for public participation, including early public outreach and consultations about what the U.S. objectives in trade agreements should be, an open and public process for determining the scope of the review, and opportunities to comment on draft reviews. The guidelines have been posted on the USTR Web site: <[www.ustr.gov](http://www.ustr.gov)>.

Previously, the United States had conducted environmental reviews of several major trade agreements, including the North American Free Trade Agreement in 1992 and 1993 and the Uruguay Round Agreements in 1994. In November 1999, the United States prepared a study of the economic and environmental effects of the proposed Accelerated Tariff Liberalization Initiative with respect to forest products.

The USTR is completing review of the Jordan Free Trade Agreement concluded in October and is conducting environmental reviews of the Free Trade Area of the Americas and the Singapore and Chile free trade agreements currently under negotiation.

The USTR, Mr. Bianchi continued, is attempting to make the process by which trade rules and standards as transparent as possible and to establish a system that includes points of contact are adopted who can provide information to the public and conduct briefings throughout negotiations. Transparency refers to the visibility and clarity of the laws, regulations, and procedures, he explained.

The USTR, Mr. Bianchi reminded the subcommittee, is a small agency, composed of 180 employees with approximately 20 to 40 individuals on loan from other agencies. In addition, he continued, the USTR is affected by the

decreases in the budgets of other Federal agencies. Because of those budget cuts, he explained, fewer individuals are loaned on "detail." For example, he said, fewer people from EPA who have expertise in trade and the environment are available to the USTR when such expertise is needed. Roughly 80 to 85 percent of the annual budget of the USTR, or approximately \$25 million, is allocated for salary, with the remainder allocated for travel, he pointed out. The USTR has three offices, continued Mr. Bianchi, with the primary office in Washington, D.C.; two employees in Geneva, Switzerland; and one employee in Brussels, Belgium.

Mr. Bianchi then described how trade policy had changed in the 50 years since Congress created the USTR. At that time, he explained, trade accounted for less than 10 percent of the gross national product (GNP) of the United States, and only a few people were interested in trade policy. That scenario changed over the decades, and changed radically over the most recent decade, he continued. He added that trade currently accounts for almost one-third of the United States GNP. The effects of trade, he explained, have become magnified as trade has come to play an increasingly significant role in the world economy.

To include public participation in the process, Mr. Bianchi continued, the USTR had prepared an Internet Web site that focuses on providing information about trade to individuals who, in the past, have expressed interest in trade issues. The USTR also conducts briefings for the general public at which information about priority issues is disseminated, he said. The USTR also posts notices in the Federal Register, he stated. In response to Mr. Yang's question about the location at which such briefings are held, Mr. Bianchi stated that public hearings usually are held in Washington, D.C.; however, during the months leading to the WTO conference in Seattle, the USTR held briefings in six locations around the country to solicit advice in preparation for that meeting, he said.

After Mr. Bianchi's presentation, Mr. Saldamondo commented that he held a different view of the USTR and that his view was similar to the view of the Seattle protesters. Communities, he explained, experience the negative effects of trade. For example, he continued, people living in maquiladoras, U.S. manufacturing plants, in Mexico suffer from adverse health effects, and the indigenous people of Chile are losing their land. Mr. Saldamondo stated that he was pleased that no one had claimed that higher wages will benefit the very people who have become marginalized by trade agreements. Trade agreements, he declared, create more poverty, and that poverty tends to affect racial minorities more than other segments of society.

Mr. Saldamondo explained that words such as "disproportionate" or "minority" used in the environmental justice context are not appropriate in the international context because indigenous people may not be minorities within their native countries. In international cases, he suggested, the race of the polluter and the race of the victim should be considered when defining environmental racism. When those factors are examined, he

stated, one must recognize the reality of environmental racism. In fairness to the USTR, he added, USTR staff "do not intend to increase cancer rates or increase the loss of species and habitats ... To them business is business." However, Mr. Saldamondo added, the USTR must be aware of the damage that it creates through trade agreements. One-third of the United States' GNP accounts for much prosperity, but that prosperity is not shared and is gained at the expense of others, he said. Citing the Metales y Derivados site located in Tijuana, Mexico as an example of this exploitation, he declared that the economic trade model used by the USTR does not serve communities nor does it take into consideration the value of good health, a forest, or a baby's life. Free trade has been a disaster, Mr. Saldamondo exclaimed.

Mr. Jose Bravo, Just Transition Alliance, clarified Mr. Saldamondo's comments about free trade stating that the members of the International Subcommittee do not oppose trade, but rather support a just trade policy that considers people. He added that he believes the USTR often uses the Fast-Track process to circumvent opposing views. Ms. Beth Hailstock, Director, Environmental Justice Center, Cincinnati Department of Health, commented that she had been pleased to hear representatives of the USTR acknowledge that simply publishing notices in the Federal Register was not an effective means of communicating with the public. She then suggested that the USTR follow the guidelines published in the NEJAC document on public participation to increase community involvement in the process.

Mr. John Audley, EPA, commented that he had once been an active member of the Sierra Club and had created that organization's trade department. In his current position with EPA, he continued, he endeavors to exert pressure on the USTR to consider environmental consequences of trade policy. However, he added, no focus on stakeholders was included when the USTR was created because, at that time, Congress was not aware that such a focus was needed. Mr. Audley pointed out that, because of the existence of Haztraks, a program created jointly by the United States and Mexico to track the movement of hazardous waste between the United States and Mexico, Congress has exercised increased oversight of NAFTA, and more problems have come to light. What the United States subsequently has negotiated through its monitoring process, he continued, overshadows the implications of NAFTA. EPA is the only Federal

agency that has a trade policy, stated Mr. Audley, and EPA continued to play an active role on ten trade advisory subcommittees despite reductions in EPA's budget. That level of participation illustrates EPA's commitment to the issue, he stated.

Mr. Yang commented that it is important to provide comment on and substantive contributions to the trade policy process. It is the responsibility of the government to actively seek to identify and consider outcomes of trade agreements, he stated, rather than considering only the effects on industry. In addition, said Mr. Yang, the United States has a global responsibility to the extent that it induces change through trade agreements.

In response to a comment made by Ms. Suro-Bredie in which she recommended to the members of the International Subcommittee how to best influence the USTR as a "new interest group," Mr. Bravo commented that the members of the subcommittee are not a "new group" and that it "irks" him that other interest groups have been recognized while the interest groups that represent the people most affected have not.

Mr. Hecht then commented that he believes that the discussions had been beneficial and that the issues are challenging. He then reminded the participants that environmental review of trade policy as a process is important because it targets the societal impact on indigenous populations. EPA had built enormous capacity to target trade issues and currently was building an in-house staff to help with community outreach programs and dissemination of information. In 1989, Mr. Hecht pointed out, it would have been difficult to find a region more neglected than the U.S.-Mexico border. NAFTA, he continued, put a spotlight on the area, and the Border Environmental Cooperation Commission (BECC) and the North American Development (NAD) Bank were created; people have benefitted, he explained. Funds for programs that train people for new jobs were included in the NAFTA agreement. Under NAFTA, a means of facilitating economic change and preparing for change has never been easy, he observed. Around the world, Mr. Hecht concluded, environmental agencies are weak; the goal, he declared, is to strengthen those agencies and create a platform for discussion.

Mr. Bianchi pointed out that the majority of members of Congress had not been present during debates about the NAFTA; today, there is a new Congress and a new administration. The best means of exerting influence, he recommended, is

through Congress. Because of the change of administration and the magnitude of the issues, Mr. Bianchi predicted, such discussions would be a multiyear debate.

Mr. Bianchi stated that industry that moves into countries which environmental and enforcement mechanisms lax may have a competitive advantage. Often however, he stated, countries in which laws are enforced poorly do not have infrastructure sufficient to attract trade. Mr. Bravo then stated that trade agreements, as they currently stand, allow certain types of contamination. For example, he explained, it is not required that labels on containers identify the contents as hazardous waste, but such labels instead can indicate that the contents will be reused or recycled. That problem in labeling, he added, led to the contamination at the Alto Pacifico and Metales y Derivados sites, where stockpiles of hazardous waste accumulated and no one was accountable because the contents had been labeled for "reuse" or "recycling." There is no language in the NAFTA agreement, he added, that creates real enforcement mechanisms to prevent such problems because laws are enforced poorly and maintenance of records of the transportation of materials across the border is a voluntary activity. The laws themselves are not weak, but enforcement is, Mr. Bravo declared. The infrastructure that supports enforcement and cleanup should be better funded, he stated.

The border area provides the clearest example of the ways in which trade and environmental issues come together, Mr. Bravo continued. During NAFTA discussions before the act was enacted, he explained, people believed that displacement at the border would be minimal. However, he continued, farm workers worried that the United States would sell corn to Mexico, even though Mexico grows enough grain to meet its needs. Soon after NAFTA was enacted, he stated, the U.S. sold corn to Mexico. In addition, the people living in the *maquiladora* region have suffered discrimination on the basis of gender and age, and families have been uprooted and displaced. What are the mechanisms for enforcing environmental compliance in the region, who is responsible for a polluting company located in Tijuana the profits of which go to other countries, and what are the incentives for compliance, Mr. Bravo asked.

Mr. Hecht responded that several problems affect the border area. Repatriation of hazardous waste is based in part on the agreement between the United States and Mexico under NAFTA, and that process will continue, he said. The accountability

of multinationals, in relation to the Mexican government, should be explored in light of the new border plan that will replace the Border XXI Framework scheduled to expire in 2000. Most multinational companies, Mr. Hecht continued, will endeavor to operate at a world standard; however, because many of these companies are located farther away from the border region, they may be "divorced" from the sensitivity of such issues.

Ms. Mary Lattimer, Trade Representative, U.S. Department of Commerce, responded that she believes that many of Mr. Bravo's concerns had been addressed in the Jordan Free Trade Agreement. She acknowledged that comments received from members of the International Subcommittee are representative of the concerns the USTR must consider if change is to be implemented. Sustainable development, she continued, has three aspects:

- Economic effects
- Environmental protection
- Social development

The three aspects are of equal importance, and all must be supported in trade policies, she stated. The Jordan agreement, she added, had been the first agreement written to support the WTO provision for a transparent dispute resolution process and to encourage discussion of environmental issues with nongovernment organizations. Included in the Jordan model, she continued, were provisions for securing commitments from countries that they would enforce their own existing laws, provided those laws were deemed adequate. Ms. Lattimer added that she believed the obligation of each country to enforce its own laws was being honored.

### **3.2 Overview of the Activities of the U.S. Department of State**

Mr. Michael Shelton, State Department, briefly explained how international financial assistance helps developing countries improve environmental justice. He also described the role played in that process by multilateral development banks (MDB) and various bilateral programs and policies. The MDBs include the World Bank; the Global Environment Facility; and the five regional development banks, the Inter-American Development Bank (IDB), the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, and the NAD Bank. In 1999, he continued, the MDBs lent \$65.2 billion to developing countries, compared with \$9.6 billion in assistance provided

by the United States in fiscal year 1999. However, he added, all U.S. bilateral assistance is provided on a grant basis.

Loans from MDBs help improve the environment in developing countries in two ways, continued Mr. Shelton, either by funding projects that directly improve the environment or by funding institutions that establish and enforce environmental standards. One example of the first form of assistance, he explained further, would be a recent \$130 million loan made by IDB to Brazil for the expansion of the potable water supply, sanitary sewerage and wastewater treatment facilities in Brazil's Federal District. An example of the second form of assistance, he said, is the upcoming loan to Paraguay to establish a national environmental system that will integrate public agencies and private-sector organizations into a single system under which implementing environmental policies are to be implemented, he said.

Mr. Shelton continued, explaining that MDBs require that countries borrowing monies review the effects of their projects on the environment. Environmental impact assessments (EIA) are required for all projects that have some effect on the environment, he said, adding that countries borrowing funds are obliged to describe in detail what they will do to mitigate the negative effects of proposed projects. Resettlement action plans also are required for dams and highways and other projects that displace people, Mr. Shelton stated. He added that governments engaged in such projects must specify the compensation and other assistance that will be provided to those who are displaced.

Mr. Shelton reported that the United States opposes all MDB loans for projects that will have substantial effects on humans if an EIA has not been written and released to the public at least 120 days before the day the board of the lending bank is scheduled to vote on that loan. The reason for maintaining such a policy, he explained, is to help ensure that persons affected by projects are aware of the changes the project will bring about. Even when an EIA, complete with mitigation measures, has been prepared, the United States still may vote against a loan if the United States determines that the project will cause irreparable harm to the environment, he stated. Mr. Shelton acknowledged that a comment period of 120 days does not provide adequate time for a thorough public review of proposed projects.



For example, Mr. Shelton continued, the United States recently opposed loan to a government in Asia for a highway because the United States considered the threat to biodiversity by the proposed highway to be too great. He stated that opposition on the part of the United States alone usually is not sufficient to block approval of a loan because the weight of each member's vote is determined by the amount of that member's contribution to the paid-in capital of the fund. However, in cases in which the environment was quite severe, other donors had joined the United States to block approval of a loan, he said. Consequently, developing countries are learning how to evaluate projects and developing an understanding of what constitutes acceptable international standards, Mr. Shelton said.

Mr. Shelton then described the activities of the NAD Bank, the smallest MDB supported by the United States. He remarked that the bank, created in 1995 under the NAFTA agreement, lends funds only for environmental projects along the U.S.-Mexico border. Specifically, it provides loans to communities to help finance water, wastewater and solid waste projects, he explained. Mr. Shelton acknowledged that, although the fund had allocated \$262 million in grants through the Border Environment Infrastructure Fund (BEIF), which is funded by EPA, it had lent only \$11 million. The problem, he explained, is that, in the past, the NAD Bank was lent funds only at commercial interest rates and the small communities along the border cannot afford to pay those rates. Recently, he continued, the board of directors of the bank agreed to allocate \$50 million for loans at less than market rate for infrastructure projects in water, wastewater, and solid waste. They also agreed to consider loans for other types of environmental infrastructure projects.

Continuing, Mr. Shelton stated that the U.S. Export-Import Bank evaluates the expected effects on the environment of all capital projects before the bank provides funding for those projects. Currently, he added, the United States is attempting to convince the other G-7 Countries and the Organization for Economic Cooperation and Development (OECD) member countries to impose similar requirements on their export credit agencies and is requesting that each agree to use similar qualitative and quantitative standards.

Mr. Shelton reported that the various bilateral assistance programs sponsored by the United States and administered by the U.S. Agency for International Development (U.S. AID) also help developing countries improve local environments.

He explained that U.S. AID seeks to protect the environment by working to achieve five broad objectives: 1) reducing the threat of global climate change; 2) conserving biological diversity; 3) helping to manage urbanization, including management of pollution; 4) promoting environmentally sound energy services; and 5) managing natural resources on a substantial basis. He observed that, from the point of view of environmental justice, one of the most interesting U.S. AID programs is its work through regional urban development organizations (RUDO). U.S. AID, he continued, works through RUDOs in India, Indonesia, South Africa, Guatemala, and Poland to deliver environmental services and to create jobs in 150 municipalities.

#### 4.0 PRESENTATIONS AND REPORTS

This section summarizes the presentations made and reports submitted to the International Subcommittee. The International Subcommittee heard presentations and reports on the following topics: the United Nations (UN) World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance; the Border XXI program, a program whose mission is to identify and address environmental factors, in a binational framework, that pose the highest risk to human health so that exposure to such factors may be reduced; pesticide training initiatives; tribal community outreach programs, and pilot Internet projects related to the global environment.

##### 4.1 UN World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance

Ms. Sharon Kotok, State Department and Agency Representative, White House Interagency Task Force on Racism, opened her presentation by describing the preparation necessary for a UN world conference. Such conferences, she began, focus on a single issue or problem, with the ultimate goal of identifying recommendations for addressing that problem. The UN Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, she explained, scheduled to be held August 31 through September 7, 2001 in South Africa, will focus on five areas:

- Sources of racism
- Victims of racism
- Possible redress
- Measures for the prevention of racism
- Actions to overcome racism

The goals of the conference are to acknowledge the progress made in addressing the issues of concern and increasing awareness, examine the obstacles that remain to be overcome, and recommend specific actions, Ms. Kotok added. The conference, organized by the UN High Commissioner on Human Rights, would be “forward-looking and action-oriented,” she explained. Representatives of governments and NGOs are expected to work together to address disparities related to such issues as environmental benefits and burdens, health care, economic status, and education. However, she added, it is not the intention of the conference to single out violators or to point an accusatory finger, but rather to provide an opportunity for participants to evaluate their own actions and policies.

Ms. Kotok noted that planners were modeling the conference after the United Nations Fourth World Conference on Women held in Beijing, People's Republic of China, in 1995. Strong recommendations, as well as new legislation and legal measures, resulted from that conference, she pointed out. She explained that the Beijing Conference was “so successful” because of the strong collaboration between participants in the conference and NGOs. Representatives of NGOs also had been included throughout the planning process and assisted in writing the documents generated as a result of the deliberations conducted during the conference, she continued.

Ms. Kotok asked that the members of the subcommittee provide comments on two documents, *Excerpted Material Developed by the U.S. Interagency Task Force on the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Draft)* and the *UN World Conference Against Racism (WCAR) – The Environment Position Paper (Draft)*, prepared by the White House Interagency Task Force on Racism. Ms. Mary O'Lone, EPA Office of General Counsel, reiterated that the documents had been submitted as placeholders and that the task force hoped to receive comments on the documents before the January 15 and 16, 2001 planning conference to be held in Geneva, Switzerland. Ms. O'Lone requested that comments or questions about the documents be forwarded to her by electronic mail (e-mail) at: [olone.mary@epa.gov](mailto:olone.mary@epa.gov).

In response to Ms. O'Lone request for comments, Mr. Saldamondo stated that the members of the International Subcommittee would need time to discuss the position of the subcommittee, but that they did have an interest in the issue. He

observed further that recognition of incidents of discrimination against “vulnerable groups” is valuable. For example, he remarked, the governments of Chile and Uruguay do not recognize that indigenous populations live within their borders. Those people are not recognized legally by their own governments, he declared, adding that such discrimination is particularly evident in the cases of people of African descent and indigenous peoples living in Central and South America.

Mr. Saldamondo then described the inadequacies of the domestic U.S. concept of environmental justice when it is applied in an international context. He stated that he believes the United States should redefine the elements of racism in an international context and revise language that is “U.S.-centric”. The term “racial minorities,” he explained, may not present an accurate picture of the victims of racism, particularly in those countries in which indigenous populations are in the majority but lack control over their environment. What also is lacking, he continued, is the participation of “civil society” and those people who are the victims of racism. There is a difference, he stated, between civil society and stakeholders; stakeholders often include groups, such as industry, that the civil society would consider part of the problem. Certainly, industry does have a role in the process, but acknowledging and considering the concerns of groups that are affected is crucial, he urged.

Ms. Mildred McClain, Citizens for Environmental Justice, added that there is a need for a link between “participating in” and “influencing” decision-making. Efforts to increase participation alone are not sufficient, she stated; language should be developed that supports increases in both the participation and influence of civil society or the general public at the world conference, she urged. The concept of environmental racism also should be well defined before the conference is convened, she advised. She added that she would take the responsibility of circulating the two draft documents in various environmental justice communities to solicit their views. Ms. McClain recommended that the White House task force also seek the “buy-in” of NGOs for the two documents.

Mr. Yang then pointed out that most documents that address environmental issues on an international level focus primarily on pollution. Issues related to the marginalization of community groups and the use of natural resources are not addressed, he said. Environmental justice also has economic implications, he continued, adding

that the flow of goods and benefits, and the accompanying externalization of the burdens related to environmental costs that tend to be “inflicted” on developing countries, should be addressed.

#### **4.2 Update on U.S.-Mexico Cooperation and the Border XXI Program**

Dr. Hecht provided the members of the International Subcommittee with an update on the Border XXI Program and the new priorities established by Mexico’s Federal environmental secretariat for the Commission for Environmental Cooperation (CEC). He announced that Mr. Victor Lichtenger recently had been named the Minister of Mexico’s newly renamed Secretaria de Medio Ambiente Recursos Naturales (SEMARNAT), formerly known as the Secretaria de Medio Ambiente Recursos Naturales y Pesca (SEMARNAP). Mr. Lichtenger also was named the first executive director of the CEC, he continued. Dr. Hecht then reported that SEMARNAT had announced a series of priorities for the CEC, including:

- Develop, under articles 14 and 15 of the North American Agreement on Environmental Cooperation, procedures by which citizens can submit to the CEC petitions about the failure of the Mexican government to effectively enforce environmental laws that are “expeditious, open, and transparent.”
- Strengthen the CEC’s Joint Public Advisory Committee (JPAC) to serve as a “true organ” of public participation in the CEC’s decision-making process and to “democratize” the CEC by giving JPAC a “real role” in the development of the CEC’s budget and work program. In addition, a new position with responsibility for the promotion of public participation has been created in the CEC.
- Conclude negotiations on an “equitable” agreement on Environmental Impact Assessment in a Transboundary Context which stipulates the obligations of parties to assess the environmental impact of certain activities at an early stage of planning.

Mr. Lichtenger had pledged to emphasize the importance of maintaining the independence of the CEC in processing petitions of private citizens to address environmental problems, reported Mr. Hecht. He commented that such a commitment is “a good sign” because citizen redness has been a

source of friction among the United States, Mexico, and Canada.

In a nod to the subcommittee’s concerns about trade and the environment, Mr. Lichtenger had announced strong support for the CEC’s cooperative work program. He particularly had emphasized its trade and environment program, in light of the importance of the North American experience, in the negotiation of a free trade agreement of the Americas, said Dr. Hecht.

Mr. Lichtenger was to meet with Mexico’s new “Border Czar”, Mr. Ernesto Ruffo, to stake out a strong, common Mexican position to confront what he characterized as “lack of political will,” said Dr. Hecht.

Dr. Hecht then reported that the preparation of the Border XXI Transition Paper and consultations with states and regions was ongoing. States and tribal communities were working together more closely, he observed; a series of meetings had produced recommendations for the new border plan, he said. In addition, changes had been made within lending institutions, including the NAD Bank, the mandate of which had been, he continued. He added that issues related to money and funding are important in drafting the new border plan.

Mr. Gregg Cooke, Regional Administrator, EPA Region 6, commented that, in 1999, he had attended a meeting of the BECC in Monterrey, Mexico. He stressed that the transparency provisions of the BECC that mandate transparency must be met. Issues that must be addressed under the new border plan, he declared, include strengthening of the role and participation of the states in the process, creation of an exclusive public participation process, and expansion of infrastructure to support the effort deal with all issues.

Mr. Saldamondo reminded those present that the recommendations developed by participants in the Roundtable on Environmental Justice on the U.S.-Mexico Border, which had been sponsored jointly by the NEJAC and EPA, had included calls for an increase in the participation of indigenous communities residing on the Mexican side of the border and for enforcement of accountability on the part of polluters.

Mr. Enrique Manzanilla, EPA Region 9, commented briefly on the success of four pilot projects that EPA had chosen because they offered opportunities to explore domestic aspects

of environmental concerns. He explained that the cities had been selected to address issues other than that of transboundary waste.

Ms. Olivia Balandran, Environmental Justice Coordinator, EPA Region 6, distributed to the members of the International Subcommittee information about projects that EPA Region 6 has undertaken. She asked that the members of the International Subcommittee provide their views on the direction Region 6 has taken with those projects.

#### **4.3 Update on the Metales y Derivados Site**

Mr. Bravo presented the written statement of Mr. Cesar Luna, Environmental Health Coalition (EHC), who had been unable to attend the meeting. In his statement, Mr. Luna noted that in October 1998, a petition to the CEC charged that the Mexican government had failed to enforce articles 134 and 170 of Mexico's general environmental law. The petition, which EHC had filed, cited Mexico's failure to pursue extradition of the owner of the Metales y Derivados site who currently resides in San Diego, California, explained Mr. Luna. However, the CEC does not have the authority to extradite the property owner, he continued. Residents of the affected community believe that the owner had "gotten away free," said Mr. Luna.

In his statement, Mr. Luna expressed EHC's fear that, with the change of administration in Mexico, the case will be forgotten. He requested that the International Subcommittee recommend that the NEJAC urge EPA to:

- Oversee the release to the CEC of documentation related to the case by entities on both sides of the border
- Serve as a liaison with the State Department and the U.S. Customs Service, U.S. Department of the Treasury
- Establish the Metales y Derivados site as a pilot project for a binational cleanup and enforcement effort

Dr. Hecht remarked that Mexico had agreed to allow the CEC, through a contractor, to conduct sampling of contaminated surface soils at the Metales y Derivados site characterizing that decision as a good sign of cooperation on the part of the Mexican government. Previous analysis had shown that lead levels at the site, an abandoned maquiladora owned by a U.S. citizen, were not as

high as those at locations in the city, he stated. In June 2000, the case had been brought before the CEC council on the grounds that the Mexican government allegedly had failed to clean up the site and determine which laws are applicable and whether any laws had been broken, he continued. Information still was being gathered, said Dr. Hecht. He suggested that another month would pass before the case is taken to the Council again.

Because of time constraints thoroughly, the members of the subcommittee did not discuss the case of the Metales y Derivados. The members agreed to discuss the case during upcoming conference calls of the subcommittee.

#### **4.4 Update on the U.S. Environmental Protection Agency's Pesticide Training Initiatives**

Ms. Delta Valente, Project Manager, Farm Worker Health, Office of Prevention, Pesticides, and Toxic Substances (OPPTS), EPA, and Ms. Carol Parker, OPPTS, EPA, provided the members of the International Subcommittee with an update about the activities of the EPA Pesticide Worker Protection Branch. They distributed examples of literature about pesticide training and awareness that is available free through OPPTS's Web site: <[www.epa.gov/pesticides/safety](http://www.epa.gov/pesticides/safety)>. Previously, pesticide training and awareness had focused on occupational hazards, Ms. Parker explained, adding that current programs also focus on issues related to pesticide drift, contamination of well water with pesticides, and the effects of pesticides on children. One of the primary concerns of EPA's Office of Pesticide Program's (OPP) is increased protection of the public, especially children, she continued. Children's health has high priority, she explained, because children are more vulnerable to pesticides than adults. Ms. Parker stated that, to protect children from risk in the home and in the workplace, OPP seeks to educate parents who are exposed to pesticides in the workplace.

Ms. Parker also announced that, through a collaboration among EPA, the U.S. Department of Agriculture, the U.S. Department of Labor, the U.S. Department of Health and Human Services, various states, farm workers, and farmers, implementation and enforcement of the agricultural worker protection program was to be reviewed and programmatic improvements in the strategic plan for worker protection was to be developed. A series of workshops to be held in Sacramento, California (December 2000); Orlando, Florida (May 2001); and Washington, D.C. (fall 2001) will provide the basis for the collaborative effort, she

continued. Ms. Parker reported that the key themes expressed at the Austin, Texas stakeholder workshop held in June 2000 were issues related to training, enforcement, complaint and retaliation, communications, and children's health. She recommended that the members of the subcommittee obtain copies of the full report at the OPP Web site:

<[www.epa.gov/oppfead1/safety/workers/workers.htm](http://www.epa.gov/oppfead1/safety/workers/workers.htm)>.

Ms. Parker reported that EPA, in a collaborative effort with states and industry, had developed basic pesticide safety materials, as well as supported broad-scale training of farm workers in pesticide safety. For example, she explained, the National Farm Worker Environmental Education Program, conducted by the Association of Farmworker Opportunity Programs (AFOP) in partnership with the AmeriCorps Community Service Program, is the largest national pesticide safety education program for farm workers in the nation. AFOP has trained more than 250,000 farm workers in the United States in pesticide safety, she continued, noting that AFOP, a recipient of an EPA grant, also had produced five novella-style radio mini-dramas in Spanish.

Ms. Valente then described a training initiative directed at children. The initiative is a weekend program in which students from the University of Texas at Brownsville teach children about the harmful effects of pesticides, she said. Through the program, children from farm worker families also are flown to Washington, D.C. to learn how the Federal government operates, she continued. Ms. Valente, who displayed photographs of children who have participated in the program, commented that she hoped the program would continue to grow and soon would include a component that offers an internship in Washington, D.C.

Ms. Valente also described EPA's Pesticides and National Strategies for Health-Care Providers, established 1996 to ensure that health-care providers become better aware of and educated and trained in the area of health problems related to exposure to pesticides, particularly those affecting child laborers in agriculture.

Mr. Bravo asked whether there were ways to train farm workers before their arrival in the United States about the dangers associated with exposure to pesticides. He observed that any worker who comes to the United States to work should have the opportunity to be protected and to make a decent wage. However, it is not unheard

of, he continued, for workers to be paid in alcohol or marijuana instead of U.S. dollars. Mr. Bravo, who stated that members of his family had migrated to the United States to work on farms, remarked that each of them had to complete the U.S. Department of Labor's HZA agricultural guest workers program in Ciudad, Juarez, Mexico. Completion of the paperwork required from one to two days to complete, he said. He then suggested that the waiting period could provide an noting that this time would be an excellent opportunity to deliver training in pesticide safety.

Mr. Bravo reported on the work of the University of California at Berkeley in training farm workers. The training classes, he explained, now cover how to read a material safety data sheet, understand a map of risk analysis and exposure pathways, and use appropriate personal protective equipment. He and Mr. Saldamondo identified several grassroots organizations that are active in training farm workers, including Lideres Campesinos; Indigenous People of Mexico; and the Pesticide Action Network, which has produced several Spanish-language videos that Mr. Saldamondo described as "very informative." The videos examine dangers that pesticides pose to communities.

Mr. Saldamondo commented that he had been disappointed that funding for pesticide training is provided to individual states because many states do not consider pesticide training to be a top priority. In response, Ms. Valente stated that, under the new border plan, pesticide awareness could become a focus area. In September 2001, OPP will have launch a web-based strategy aimed at health-care providers that individuals in all countries will have access to, she announced.

Mr. Saldamondo stated that he had found "a lot wrong" with EPA's risk assessment model. He suggested that the NEJAC should recommend that the EPA administrator support the international convention on the rights of migrants, which currently had been signed by only 12 states.

Mr. Yang commented that, during the entire discussion of environmental enforcement, no one had raised the issue of suspension of state programs for noncompliance. How much consideration, he asked, had EPA given to the registration status of "adverse effects" on the environment. In addition, he asked Ms. Valente and Ms. Parker to determine why the agency's legal memorandum on statutory authorities to implement environmental justice failed to include

the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), although earlier drafts of the memorandum had done so.

In response to the comments of Mr. Saldamondo and Mr. Yang, Ms. Parker explained that EPA was beginning to look at various risk assessment models. She acknowledged that the current model does not consider the cumulative effects of several pathways, but stated that work to further refine the model was ongoing. Ms. Valente added that each state has a different definition of what constitutes an inspection, adding that such issues are being addressed during that ongoing conference calls with states.

#### **4.5 Overview of the U.S. Environmental Protection Agency's Tribal Community Outreach Programs**

Mr. Alan Sielen, Deputy Assistant Administrator, OIA, provided the members of the International Subcommittee with an overview of the tribal community outreach programs EPA recently had implemented to improve integration of tribal views into EPA decisions. The focus of the communications, he continued, had been on tribes living along the U.S.-Mexico border, the border region between Canada and the Arctic, and other regions of the globe, such as areas that are affected by persistent organic pollutants, climate change, and biodiversity issues.

Mr. Sielen described one outreach effort under which EPA had initiated a series of telephone conference calls designed to inform participants about issues that affect them regionally and to create a forum through which to solicit comments in the early stages of the decision-making process. The calls, he explained, which are open to anyone, are informal and informational. The last an hour and feature a subject-matter expert who provides a briefing before the call is opened to comments and questions, he continued. Each regional office notifies individuals who have expressed an interest in environmental issues when the calls are to be conducted, he added.

Mr. Sielen reported that EPA had held two calls. The first call focused on general environmental issues, while the second call focused on mercury contamination, he said. The second call, he added, which focused on a single topic, will serve as a model for future calls. The next call, he continued, was scheduled for mid- to late-January and was to focus on the effect on tribes of issues trade on the environment, he announced.

Mr. Saldamondo commented that the members of the International Subcommittee were interested in the conference calls. He noted that the members also were concerned about including tribal members who live in Mexico. For example, in the case of the Tohono O'odham tribe, a "transboundary tribe" located in Arizona and Mexico, it is difficult to secure the participation of the Mexican members of the tribe. Mr. Sielen agreed that it would be important to include in the calls tribal members living in Mexico and responded that he would explore mechanisms for increasing their participation. However, he remarked, their participation in the conference calls might not be feasible.

Mr. Sielen then asked the members of the International Subcommittee their views on ongoing negotiations related to persistent organic pollutants (POP). Mr. Saldamondo responded that, in his experience once the State Department had adopted a position, its representatives come to meetings with instructions from which they rarely deviate. With regard to POPs, he continued, methylbromide will not be placed on the list of substances to be banned from the United States until another economically viable alternative has been selected.

#### **4.6 Update on the Activities of the South African Work Group**

Mr. Mark Kasman, Senior International Information Officer, OIA, provided the members of the International Subcommittee with an update about the activities of the South Africa Work Group carried out since the meeting of the NEJAC in Atlanta, Georgia in May. He commented that the meeting between the NEJAC and its South African counterpart had created lasting relationships. Since May, the South Africa Work Group had been working together to increase media awareness of environmental justice and publicize the issue within South Africa, he reported. The publicity, added Mr. Kasman, had gained more credibility and legitimacy for environmental justice South Africa. In addition, the work group had been assisted its South African counterpart in its attempt to obtain funding for its programs.

Mr. Kasman also announced that Ms. Elsie Motubatse, Swarananag, a community group from the northern provinces of South Africa, was named the Committee Organizer of the Year, a high honor in South Africa. President Nelson Mandela personally presented the award to Ms. Motubatse, he said.

#### 4.7 Overview of Internet Projects

Mr. Kasman and Mr. Lionel Brown, OIA, provided the members of the International Subcommittee with an overview of several new Internet projects on which the OIA currently was working. They reported that pilot projects include revision of EnviroSense, a Web site at <[www.es.epa.gov](http://www.es.epa.gov)> that designed to provide links to information, increase public participation, and provide information about mechanisms for obtaining funding for implementation of projects. Executed in several different languages, the Web site provides regional information to many countries in eastern and central Europe, Asia, Africa, and the Americas, they noted. Currently, OIA is working to include regional information pertinent to South Africa, Kenya, Nigeria, and Uganda, they reported. The goal of these Internet projects is to increase public participation and access to information, Mr. Brown stated.

Mr. Brown reported that, in response to complaints by various African community groups that available information about policy issues related to climate is insufficient, OIA also is developing a proposal for a climate network Web site. Initially, the project is to collect information about three countries to be used populate the database on the Web site, he continued. Mr. Brown added that training in how to use the information, as well as funding for Internet access, will be provided. If the project is successful in the three pilot countries, the model will be extended to other countries throughout Africa, he continued. EPA is to provide the seed money for the project, he said, adding that OIA anticipates a decision in January 2001. The funds to expand the project beyond the three pilot countries would come from outside the agency, possibly, he suggested, from the U.S. AID.

Mr. Kasman added that OIA was pursuing an Education Democracy Initiative in Africa to encourage the attendance of girls in middle school, and to promote education as a whole. He remarked that the initiative might provide an excellent opportunity to “spin” an environmental justice focus into the program. Mr. Brown added that companies such as Microsoft and Hewlett Packard have been participating as partners in these initiatives.

Mr. Brown also asked the members of the International Subcommittee to provide their views on the initiatives he had described. He then offered to provide the subcommittee updates about the initiatives.

#### 5.0 PUBLIC DIALOGUE

This section summarizes the presentations offered during a public comment period provided by the subcommittee, as well as the discussion among the subcommittee that those presentations prompted.

##### 5.1 Ms. Betsy Boatner, Amazon Alliance, Washington, D.C.

Ms. Betsy Boatner, Amazon Alliance, requested that the members of the International Subcommittee help with the wording of her recommendation to the EPA administrator about Plan Columbia, a U.S.-backed plan to destroy drug plants by deforesting parts of Columbia. Outlined in her letter were specific questions about the manner of application, the type of chemicals and quantities that would be applied, and the aircraft that would be used to spray them. The information, once received, Ms. Boatner explained, would be used by the World Wildlife Fund to assess the true environmental and social effects and any plans to monitor those effects. Chapter 2, Public Comment Period, Section 2.2.x of this report provides a summary of the comments Ms. Boatner’s made before the Executive Council of the NEJAC on December 12, 2000.

Ms. Boatner also asked that the members of the International Subcommittee submit her letter to the Executive Council of the NEJAC. In her letter, she asked that the NEJAC assist her organization in obtaining information from the agency or agencies that would be responsible for implementing Plan Columbia, she explained.

##### 5.2 Ms. Madeline Pepin, Our Lady of the Lake University, San Antonio, Texas

In response to the recommendation of the Executive Council of the NEJAC that the members of the International Subcommittee address the comments made by Ms. Madeline Pepin, Professor of Philosophy, Our Lady of the Lake University, before the Executive Council of the NEJAC. Mr. Saldamondo suggested that Ms. Pepin’s comment would be addressed most effectively by the Interagency Work Group (IWG) on Environmental Justice. Ms. Pepin’s public comment, Mr. Saldamondo explained, focused on what Ms. Pepin termed the failure of the U.S. Department of Defense and the U.S. Department of Energy to communicate with residents of the community near Kelly Air Force Base, Texas, whose first language is not English. Mr. Saldamondo explained that the IWG could

address the issue and work directly with those agencies to encourage the recognition of languages other than English in agency outreach and community relations programs. Chapter 2, Public Comment Period, Section 2.2.x of this report presents a summary of Ms. Pepin's comments.

## 6.0 SIGNIFICANT ACTION ITEMS

This section summarizes the action items adopted by the subcommittee. Ms. Yang also quickly mentioned that the letter about the Committee on the Elimination of All Forms of Racial Discrimination (CERD) prepared by him would be sent by email to the members of the International Subcommittee for comment. A final draft of the letter would be submitted to the NEJAC Executive Council after comments are incorporated, he said.

The action items adopted include:

- ✓ Requested that the International Subcommittee of the NEJAC participate in follow-up dialogues with the Department of State and the USTR about issues related to trade and the environment.
- ✓ Suggested that the USTR invite and include representatives of all stakeholders in discussions of issues related to trade and the environment to ensure representation of a broad range of affected stakeholders, the USTR should adopt the definition of constituents set forth in the NEJAC Model for Public Participation.
- ✓ Requested that the International Subcommittee distribute and review the *Excerpted Material Developed by the U.S. Interagency Task Force on the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Draft)* and the *UN World Conference Against Racism (WCAR)/The Environment Position Paper (Draft)* and provide comments on those documents to the White House Interagency Task Force on Racism. The comments should be submitted before the next conference, scheduled to be held in January 2001 in Geneva, Switzerland.
- ✓ Requested that the International Subcommittee review and provide comment on the EPA draft document Addressing EJ Issues on the U.S.-Mexico Border.
- ✓ Agreed to review and provide comments on the letter about the Committee on the Elimination of All Forms of Racial Discrimination (CERD); once changes have been incorporated in response to the comments of the International Subcommittee, the letter is to be forwarded to the NEJAC Executive Council for review.
- ✓ Requested that EPA explain why the legal memorandum on statutory authorities to implement environmental justice did not mention the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), although earlier drafts had done so.
- ✓ Requested that the NEJAC forward to the EPA Administrator a request for EPA's assistance in identifying specific details of the proposed Plan Columbia project to destroy drug plants in Columbia.
- ✓ Requested that the NEJAC persuade EPA to continue exploring cleanup options at the Metales y Derivados site located near Tijuana, Mexico.
- ✓ Agreed to ask the NEJAC Executive Council to forward to the IWG the request of Ms. Madeline Pepin, Our Lady of the Lake University, because her concerns focus on the limited awareness and recognition by Federal agencies of communities in which English is not the primary language.